



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

S.B. Criminal Misc(Pet.) No. 1226/2020

Amit Malviya S/o Shri Col (Retd) K.k. Malviya, Aged About 42 Years, National Convenor, Information And Technology Department, Bhartiya Janata Party, 6/a, Deendayal Upadhyaya Marg, New Delhi.

----Petitioner

Versus

1. State Of Rajasthan, Through P.p.

Manoj Kumar Saini S/o Shri Bhagwan Saini, Ward Parshad, Ward No. 26, Municipal Council, Hanumangarh Town, Hanumangarh (Rajasthan). At Present Residing At New Abadi, Near Government Veterinary Dispensary, Hanumangarh Town, Hanumangarh (Rajasthan).

----Respondents

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For Petitioner(s) : None present  
For Respondent(s) : None present.

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**HON'BLE MR. JUSTICE VINIT KUMAR MATHUR**

**Order**

**06/05/2020**

Lawyers are not appearing in the Court in view of the unprecedented situation being faced by the country due to pandemic of novel corona virus (COVID-19).

Heard Mr. R.D. Rastogi, Sr. Advocate assisted by Mr. Anand Sharma & Mr. Sarthak Rastogi learned counsel for the petitioner as well as Mr. Gaurav Singh, learned public prosecutor through Video Conference on Jitsi Meet Application.

Learned Senior Counsel for the petitioner submits that the present case arises out of the same F.I.R. which is the subject



matter of S.B. Criminal Misc. Petition No. 1231/2020. This Court has passed the following order on 05/05/2020 in that petition :-

"1. Learned Senior Counsel for the petitioner has drawn attention of this Court towards page no.13 of the petition, relevant portion whereof reads as follows :-

"Amit Malviya -  
@amitmalviya

Sonia Gandhi claims Bhilwara tested 22 lakh people due to Rahul's warning! Wherever there is Rahul, can exaggeration and maths blunder be behind?

It is because Rahul Gandhi had issued a warning about coronavirus in February itself that states like Rajasthan got into action fast. They ensured there were enough PPE (personal protective equipment) kits, Sonia was quoted as having said at the video conference.

"The fact that over 22 lakh tests were done in Bhilwara is phenomenal and this could only be achieved as the state paid heed to Rahul Gandhi's warning and planned accordingly by putting in place adequate isolation wards, quarantine centres, ventilators, masks, sanitisers etc., she said."

2. Learned Senior Counsel submits that the sole averment in the FIR is regarding tweet made by Shri Amit Malviya whereas the present petitioner has no role and simply he has been alleged to be controlling the office of Shri Amit Malviya.

3. Learned Senior Counsel further submits that the tweet has been made from the private account of Amit Malviya and not from the official handle of the organization being headed by the present petitioner.

4. On examination, this Court prima-facie finds that the tweet has been made by Shri Amit Malviya and the present petitioner has no role in tweeting the information in question. The tweet is apparently from the private tweeting handle of Shri Amit Malviya, and therefore, no role at this stage seems to be made out against the present petitioner.

5. Issue notice.

6. Mr. Abhishek Purohit for Mr. Farzand Ali, GA cum AAG accepts notice on behalf of respondent No.1. Hence, issue notice only to respondent No.2. Rule is made returnable within six weeks.

7. In the meanwhile, effect and operation of the FIR No.216/2020 registered with Police Station Hanumangarh Town, Hanumangarh alongwith entire proceedings pursuant thereto qua the present petitioner shall remain stayed."

He further submits that although Mr. Jagat Singh Nadda has not twitted anything, however, the petitioner has only re-twitted



the contents of the article/news made in the Magazine 'The Print'.  
He further submits that no offence in the circumstance is made  
out against the present petitioner.

Learned public prosecutor seeks more time to complete his  
instructions and file the reply.

Time prayed for is allowed.

Put up on 10/07/2020 along with S.B. Criminal Misc. Petition  
No. 1234/2020.

In the meanwhile, effect and operation of the FIR  
No. 216/2020 registered with Police Station Hanumangarh Town,  
Hanumangarh alongwith entire proceedings pursuant thereto qua  
the present petitioner shall remain stayed.

**(VINIT KUMAR MATHUR),J**

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